

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Paper No. 63

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ROBERT P. JUENGERT and  
EDWARD WEINGART

Junior Party  
(Patent No. 5,611,176)<sup>1</sup>,

v.

NESTOR T. POPOWYCH, ROY J. MOORE,  
HAROLD H. SRIVER, III, and  
LOUIS KEN-HON KAO

Senior Party  
(application 08/202,444)<sup>2</sup>.

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Patent Interference No. 104,159

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Before McKELVEY, Senior Administrative Patent Judge, and LEE  
and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**JUDGMENT**

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<sup>1</sup> Based on application 08/457,161, filed on June 1, 1995. Accorded the benefit of application 08/205,596, filed March 2, 1994.

<sup>2</sup> Filed on February 28, 1994.

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By representation of counsel for the senior party, both the junior party's involved patent and the senior party's involved application are now owned by the entities Fort Worth Tower, Inc., and CH2M Hill.Pal Telecom Group, LLC. (Paper Nos. 59 and 61). Copies of assignment documents submitted to the board by counsel for the senior party (Paper Nos. 59 and 62) seem to support the assertion. In Paper No. 61, an election was made "on behalf of Fort Worth Tower, Inc. ('FWT') and CH2M Hill.Pal Telecom Group, LLC ('CH2M')," electing the junior party's involved patent as being entitled to priority with respect to the senior party's involved application. Accordingly, it is

**ORDERED** that judgment is entered against senior party NESTOR T. POPOWYCH, ROY J. MOORE, HAROLD H. SRIVER, III, and LOUIS KEN-HON KAO;

**FURTHER ORDERED** that NESTOR T. POPOWYCH, ROY J. MOORE, HAROLD H. SRIVER, III, and LOUIS KEN-HON KAO are not entitled to their application claims 38-41, 43-47, 49-53, and 55-57, which correspond to the count.

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Juengert v. Popowych

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Fred E. McKelvey, Senior )  
Administrative Patent Judge )  
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Jameson Lee )  
Administrative Patent Judge )  
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Sally C. Medley )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 104,159  
Juengert v. Popowych

By Federal Express

Counsel for the Senior Party

Michael D. Pegues, Esq.  
Haynes and Boone, LLP  
Bank of America Plaza  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789

Counsel for the Junior Party

Arnold H. Krumholz, Esq.  
Lerner, David, Littenberg,  
Krumholz & Mentlik, LLP.  
600 South Avenue West  
Westfield, New Jersey 07090